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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention

Second and third periodic reports of States parties due in 2015

Cook Islands*

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Abbreviations

BDPA	Beijing Declaration and Platform for Action
BTIB	Business and Trade Investment Board
CIFWA	Cook Islands Family Welfare Association
CINCW	Cook Islands National Council of Women
CINDC	Cook Islands National Disability Council
CIPS	Cook Islands Police Service
CISO	Cook Islands National Statistics Office
CITTI	Cook Islands Tertiary Training Institute
CIWA	Cook Islands Workers Association
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DCD	Development Cooperation Division
ECE	Early Childhood Education
ERA	Employment Relations Act 2012
FHSS	Family Health and Safety Study
FLB	Family Law Bill
GADD	Gender and Development Division
GEWE	National Policy on Gender Equality and Empowerment of Women
HIES	Household Income Expenditure Survey
ICT	Information Communication Technology
IDA	International Development Agenda
ILO	International Labour Organization
JPs	Justices of the Peace
MDGs	Millennium Development Goals
MFEM	Ministry of Finance and Economic Management
MOA	Ministry of Agriculture
MOE	Ministry of Education
NCDs	Non-communicable diseases
NCEA	National Certificate of Educational Achievement
NGOs	Non-government organizations
NZD	New Zealand dollars
NZQA	New Zealand Qualifications Authority
NSDP	National Sustainable Development Plan
NSDS	National Strategy for the Development of Statistics
OPSC	Office of the Public Service Commission

PICP	Pacific Islands Chiefs of Police
PIFS	Pacific Islands Forum Secretariat
PTI	Punanga Tauturu Incorporated
PPSEAWA	Pan Pacific South East Asia Women's Association
SAMOA Pathway	Small Island Developing States Accelerated Modalities of Action
SDGs	Sustainable Development Goals
SIF	Social Impact Fund
SPC	Secretariat of the Pacific Community
TVET	Technical and Vocational Education and Training
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
USP	University of the South Pacific
VAW	Violence against women
WDO	Women Development Officers
WISAT	Women in Science and Technology
WISC	Women in Sport Commission
YET	Youth Enterprise Trust

Introduction

1. The Cook Islands acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in its own right on 11 August 2006, and withdrew all reservations made to the Convention on 30 July 2007. The Cook Islands subsequently acceded to the Optional Protocol to the Convention in October 2007.

2. In accordance with article 18 of the Convention, the Cook Islands submitted its Initial Report covering the period up until 30 June 2005 to the Committee on the Elimination of Discrimination Against Women. The Cook Islands delivered the Initial Report for discussions with the Committee on 3rd August 2007. Following discussions, the Committee prepared its concluding comments and recommendations, which have been included in Part 1 of this Second and Third Combined Report.

3. This Combined Second and Third Periodic Report has been prepared in line with the Harmonized Guidelines on Reporting under the International Human Rights Treaties, including Guidelines on Common Core Document and Treaty-Specific Document issued by the United Nations under its Human Rights Instruments issuances.

4. This periodic report covers the period between November 2007 and November 2015. It consists of two (2) parts: Part I — the Cook Islands Government response in the areas of concern and recommendations of the Committee; and Part II — Commentary on Articles of the Convention. It was compiled over several years and involved a desk-top review, workshops, face-to-face consultations and email communications with Government and Non-Government organizations, and in particular the Cook Islands National Council of Women (NCW) and Cook Islands Women's Counselling Centre/Punanga Tauturu Inc. (PTI).

Part I: Cook Islands Government response in the areas of concern and recommendations of the Committee

5. This section outlines measures adopted by the Cook Islands in response to the Concluding Comments made by the CEDAW Committee on its initial report in 2007.

Concluding comments, paragraph 9

6. The Gender and Development Division (GADD) of the Ministry of Internal Affairs prepared an information paper on the concluding comments of the Committee and submitted it to the Cabinet of Ministers for endorsement (Cabinet Minute (07) 505 dated 4 September 2007). The paper noted the concluding comments and that responses would be implemented by respective Government Ministries and Agencies.

7. An information package on CEDAW was prepared by GADD in cooperation with civil society organisations including Cook Islands National Council of Women (CINCW) and Punanga Tauturu Incorporated (PTI) to disseminate information on CEDAW and the concluding comments of the Committee. Relevant documents, including the full text of CEDAW, have been translated into the Cook Islands Maori language for a better understanding of the international obligations in creating conditions for gender equality. Work has progressed in developing indicators to assess implementation of CEDAW.

Concluding comments, paragraphs 10 and 11

8. The Constitution of the Cook Islands provides for the fundamental principle that no person is discriminated against. There have been three pieces of legislation passed during this reporting period, the Disability Act 2008, the Employment Relations Act 2012 and the Education Act 2012 that embody the principle of equality between women and men. The Disability Act 2008 prohibits discrimination against persons with disability in employment. The Employment Relations Act 2012 also defines discrimination and prohibits discrimination in employment which includes on the basis of gender or sexual preference. The language of legislation since 2005 has increasingly been non gender specific and the Solicitor-General's drafting directives issued on 1 June 2012 provides that drafting language must be gender neutral.

9. The Cook Islands acceded to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2008 and subsequently presented its Initial Report to the Committee for the Convention on the Rights of Persons with Disabilities. The Government met with the Committee in 2015 to discuss progress of implementation of the CRPD in the Cook Islands. Those concluding comments made by the CRPD Committee relevant to CEDAW have been referenced in this report.

Concluding comments, paragraphs 12 and 13

10. The CEDAW Law Reform Programme began in 2008 with a timeframe of two years to implement identified priority areas for reform. Improvement of women's safety and protection was the key identified priority. In that two year period, drafting of a new comprehensive Family Law Bill and substantial review of the Crimes Act 1969 was commenced. The Family Law Bill was tabled in Parliament in 2015 and referred to a Parliamentary Select Committee and an extensive public consultation process was carried out throughout 2015 and 2016. It is expected to be ready for passage at the next Parliamentary sitting. Amendments to the Crimes Act 1969 are substantial and extend beyond the CEDAW Law Reform work and are yet to be endorsed by Government.

11. Amendments to a number of Acts have been enacted by Parliament including the Employment Relations Act 2012, the Education Act 2012 and the Health Act 2013, which confirm Government's support for policies that support gender equality.

12. The law reform programme will be reviewed as part of the development of the next 5 year national strategy on gender equality and women's empowerment to commence in 2017.

Concluding comments, paragraphs 14 and 15

13. GADD, in partnership with CINCW, have continued to disseminate and raise awareness about the Convention in both English and Cook Islands Maori over the reporting period. Information, Educational Campaign materials have been developed for advocacy training and media campaigns and taken to all of the islands in the Cook Islands during this reporting period. The Government and development partners continue to provide financial support to enable biennial Conferences for the Cook Islands National Women's Council, these being held in 2007, 2010, and 2014. It brings together women Members of Parliament, Outer Island Mayors and senior decision makers within Government, Outer Islands, private sector, development partners and civil society to review and develop strategies to accelerate progress in the achievement of gender equality and women's human rights in the Cook Islands.

Concluding comments, paragraph 15

14. While there is no systematic legal literacy training system in place to ensure the continuation of enhancement of women's awareness of their rights, with the support of development partners, PTI in collaboration with the Ministry of Police, Ministry of Justice and Crown Law Office, has been at the forefront in conducting legal literacy training programmes to enhance women's awareness of their rights

15. The Government and development partners have taken positive steps towards gender equality including piloting a program to improve access to justice through the allocation of funds to PTI, the recognised non-government organisation for women's counselling, exclusively for legal aid assistance to women. The women-focused legal aid is provided free to women, through court-hired lawyers and law firms. This legal aid programme commenced in mid-2015. In addition to free legal aid, the programme provides legal literacy, advocacy for equal rights and rehabilitation of victims.

Concluding comments, paragraph 15

16. The Cook Islands has participated in the Pacific Judiciary Development and Leadership programme that is available to mentor and train Justices of the Peace (JPs). There is also potential through this programme to put in place further training particularly as new CEDAW related legislation comes into effect.

17. The Cook Islands Police Service's (CIPS) training programme was reviewed, providing an opportunity to include gender sensitivity and women's rights training as part of a revamped training provision for judicial officers such as JPs, lawyers and prosecutors. The training programme is delivered in-country by the New Zealand Police Service.

18. Senior Government lawyers from the Crown Law Office and Ministry of Justice are members of three regional agencies — Pacific Islands Legal Officers Network, Pacific Legislative Drafters Forum, and Pacific Prosecutors' Association — all established to provide a regional network to discuss common issues, and to provide mentoring and support to Government lawyers in the Pacific. These regional networks also serve as a forum for exchanging experience and information on human rights laws.

19. At its Conference held in September 2015 in Samoa, the Pacific Legislative Drafters Forum underwent interactive training on the legislative implementation of the CRPD. In 2014, discussions considered the implementation of human rights treaties in the region.

Concluding comments, paragraphs 16 and 17

20. GADD, an office within the Ministry of Internal Affairs has been designated as the Government focal point of CEDAW related activities and is Government's primary advisor on advancing the status of women in the Cook Islands. This is done through the coordination of the implementation of the National Policy on Gender Equality and Empowerment of Women (GEWE) and the corresponding Strategic Plan of Action 2011-2016 targeting six key areas of priority (see Article 2). This National Policy is due for review with a new strategy expected in 2017. The GEWE and strategic action plan set out policy direction, prioritisation and commitment for gender equality. Implementation has often been constrained by available resources and technical capacity. The GEWE follows on from the former National Policy on Women which was endorsed in 1995. The partnership with non-government organizations (NGOs) and civil society is important in progressing the six key priority areas of the GEWE.

21. During this reporting period, Government's efforts to ensure equality of men and women's in all public activities has been supported with the inclusion of the equal opportunity as a core public service value in the Public Service Code of Conduct and values, as issued by the Office of the Public Service Commission. Recent appointments of focal points among senior Ministry officials in 2016 across the public service also provides greater potential for better awareness of gender-sensitive decision-making.

22. In 2009, the Secretariat of the Pacific Community (SPC) reviewed the Cook Islands progress against the GEWE Policy's Strategic Plan of Action 2011-2016 and released the Gender Mainstreaming Stocktake report, which led to an official Agreement (May 2011-2014) between the Ministry of Internal Affairs and SPC to develop a monitoring framework for strengthening the capacity of the Government in mainstreaming gender. Activities under this work plan have included: gender analysis training for senior officials; coordination of task forces under the six policy priority outcomes; and briefing notes for Cabinet Ministers and Heads of Departments in relation to gender mainstreaming. In 2014, a new initiative with SPC led to the analysis and production of a national gender statistics profile. The profile sets a baseline for future data trends and is expected to be produced by Cook Islands Statistics Office (CISO).

Concluding comments, paragraphs 18 and 19

23. The Cook Islands National Sustainable Development Plan (NSDP) 2011-2015 included gender as a priority with set actions and targets. The NSDP stated that the strategic priority for gender was to: Ensure gender equality and empower our women. This was also reflected in the National Policy on Gender Equity and Women's Empowerment 2011-2016 that "... women and girls have equal access to and benefits from the development and growth of the country and where women and girls are protected from all forms of discrimination and violence".

24. Government is in the process of developing the 2016-2020 NSDP, which will capture the country's aspirations for the next 5-year period. This will be the third iteration of the Plan and will build upon the success of the previous plans and learning from prior lessons. The new draft NSDP document proposes as National Development Goal 9 to "Accelerate gender equality, empower all women and girls, and advance the rights of the vulnerable". The draft NSDP also illustrates that culture, population; climate change, education and gender equality are cross-cutting across all other development goals. The scope of Goal 9 focuses on addressing structural and societal barriers that inhibit gender equality and promotes and protects the rights of people that face vulnerabilities due to social marginalisation.

25. The NSDP also makes references to the International Development Agenda (IDA) and Development Goals — the new Sustainable Development Goals (SDGs) and the post 2015 IDA.

26. In addition, the Office of the Prime Minister has issued a draft Policy Handbook and Guidelines that includes gender equality principles as a factor for consideration in developing national policies.

Concluding comments, paragraph 19

27. The current draft of the NSDP includes a gender component in the headline targets which will allow for prioritisation of resources in relation to gender impacts. The Government has increasingly looked at how to incorporate social impact analyses in major projects, particularly infrastructure projects. The development assistance program requires assessment of social impact, particularly impacts on women and persons with disabilities.

Concluding comments, paragraphs 20 and 21

28. The majority of Government departments and agencies are able to produce sex-disaggregated statistics on topics such as population, births and deaths, school enrolment, employment, hospital patients and parliamentary representation. Sex-disaggregated statistics are also becoming available in additional areas. For example, statistics on violence against women were released in 2014 by the Cook Islands Family Health and Safety Study (FHSS), because of the importance of this issue in achieving gender equality and was made possible through Australian Government funding through UNFPA. In 2015, UNFPA also provided assistance in analysing the 2011 Census data for labour profiling and youth profiling. In 2014, SPC provided assistance in producing gender profiling from the Census 2011 data also.

29. The collection of reliable statistical information is necessary to target policies, projects and programmes, and is now undertaken more widely by Government and NGOs. Government is increasingly working more closely with NGOs as implementing partners within a coordinated policy framework. In the Cook Islands, such partnerships exist in areas such as women's civic education, reproductive health, technical and vocational education, counselling services and training and on communicable diseases. This has increased the coverage, accuracy and reliability of statistical information in these areas. Inclusion of a Gender Statistician with the Cook Islands Statistics Office in 2015 has assisted with ensuring that data collection is gender sensitive.

Concluding comments, paragraphs 22 and 23

30. The Cook Islands recognises that culture and social values are subject to change and the Cook Islands has witnessed changes to customary practices for more than a century that has seen greater gender equality between men and women and in particular where it is accepted that women can inherit customary titles and land.

31. In this reporting period, effort has gone into raising awareness and providing training on gender equality to influence social behavioural change in relation to domestic life and the role of women in society. An initiative taken in this regard is the strategy promoted through the GEWE. Media campaigns, like White Ribbon Day, have proven to be a useful tool in promoting attitudinal changes. Led by the Cook Islands Police with support from other Government agencies and NGOs, White Ribbon Day has been a successful annual event that generates a lot of feedback via local radio stations and serves to remind enforcement agencies of the important role they play to manage domestic violence.

32. GADD, in collaboration with NGOs, has organised discussion forums and workshop activities to raise awareness with representatives from the Religious Advisory Council, House of *Ariki* (traditional chiefs) and the *Koutu Nui* (subchiefs) on addressing gender stereotypes. Gender is not a barrier to inheriting traditional titles, however, the purpose of the House of Ariki is not to seek equal representation by men and women.

Concluding comments, paragraphs 24 and 25

33. As a result of the Initial concluding comments by the CEDAW Committee in 2007, a comprehensive review was undertaken in 2008 to assess the legislative framework governing family law and protection of women and children. This resulted in the establishment of the CEDAW Law Reform Committee by the Government supported by UNDP Pacific Centre. Key outcomes from this Committee were the development of a comprehensive civil Family Law Bill (FLB)

to modernise and bring together the different pieces of legislation that currently govern family law in the Cook Islands. Amendments to the Crimes Act 1969 were also identified.

34. The FLB will also increase the protection for women and children from domestic violence. It will introduce for the first time a comprehensive legal definition for domestic violence, which will include physical abuse, sexual abuse, economic abuse, emotional abuse, verbal abuse, psychological abuse and stalking. New protection orders will replace the current non-molestation orders, and new temporary protection orders and new Police Safety Orders for domestic violence protection can be issued to provide immediate protection.

35. In 2011, the Cook Islands Government approved the new GEWE which also established a National Steering Committee to oversee the implementation of six key priority outcomes including the elimination of violence against women (2011-2016). A dedicated Task Force on elimination of violence against women was formed and comprises relevant Government agencies and NGOs to oversee Government-led initiatives to promote gender equality. Some key activities overseen by this Committee include the establishment of an inter-agency referral mechanism, legal aid assistance and promotion of prevention of violence against women.

36. A national survey on the prevalence, causes and consequences of violence against women (VAW) in the Cook Islands was conducted in 2013. The Cook Islands Ministry of Health in collaboration with the CINCW conducted a survey on Family Health and Safety (FHSS) in the period November 2012 to April 2013. This survey showed that the prevalence of violence against women and children was unacceptably high in the Cook Islands with 1 in 3 women reporting they have experienced intimate partner physical and/or sexual violence in her lifetime. Physical violence against women is, to a large extent (28%), perpetrated by men known to the women — most commonly their partners, but also by non-partners (37.4%) such as family members. There are gaps in the networks that women consider safe and have confidence in going to.

Concluding comments, paragraph 25

37. Instead of enacting a specific Sexual Offences Bill, as had been proposed across the Pacific region, the Government has opted to continue with and further enhance nationally derived legislation to address criminal offences. It is doing this by overhauling the outdated Crimes Act 1969 to address the full range of legislative measures encompassing all forms of violence and ensure prosecution and punishment of perpetrators. Amendments include a sexual crimes chapter which defines rape. The proposed definition of rape is sufficiently broad to include marital rape.

Concluding comments, paragraphs 26 and 27

38. The Cook Islands have explored various national data sources[1] and have found no conclusive evidence of the existence of a prostitution trade to justify further developing "a holistic approach in addressing the exploitation of prostitution" or "addressing the link between tourism and prostitution".

39. While the Cook Islands acknowledge that the global literature does indicate a correlation between tourism and the demand for prostitution, there is no actual or anecdotal evidence of a supply within the country.

[1] Monitoring the Police database and interviews with Ministry of Education counsellor, Ministry of Health (STIs) counsellor and PTI Domestic Violence Counsellor revealed several cases of sexual assault and incest in the Cook Islands but nothing on prostitution.

Concluding comments, paragraph 27

40. Government approved the establishment of a National Children's Committee with representatives from key government departments and NGOs in order to monitor the implementation of the Convention on the Rights of the Child (CRC) provisions. The Child and Family Section in the Ministry of Internal Affairs is the focal point of CRC related activities. Ratification of the Optional Protocol of CRC is being considered.

Concluding comments, paragraphs 28 and 29

41. With a view to accelerating the realization of gender equality, several workshops and conferences both locally and regionally with Parliamentarians have been held. The issue of TSMs as the key mechanism for the Cook Islands to increase gender equality in Parliament remains the subject of debate. One key reason has been that Parliamentarians themselves do not feel that there is a significant barrier for women in Parliament and that election to Parliament should be rewarded based on merit regardless of gender. This is partly based on the Cook Islands experience where over the past few decades women have been elected to Parliament with the current women's representation at 18% from a historical representation of less than 5%.

42. During this reporting period, Government enacted the Employment Relations Act 2012 which provides for an enabling environment for equal employment opportunities for women workers and introduced non-discrimination protections in employment based on a range of factors including gender. The Act and its Regulations includes the guarantee of maternity protection for female employees in both the Government and private sector. The number of women in leadership roles in the public service and in business has increased over the reporting period.

Concluding comments, paragraph 29 (last part)

43. The new Island Administration Act 2012-13 was introduced to promote good governance by all Island Governments; accountability of Island Governments to their island communities; encourage community participation in the governance of each island through transparency and consultation; and enable Island Governments and their island communities to decide on how best to promote the social, economic, cultural and environmental well-being of the respective islands. It does not specifically require gender-equal representation on the Island Council.

Concluding comments, paragraphs 30 and 31

44. The Education Act 2012 Part I (3) (f) ensures that everyone involved in the education system is treated with dignity, respect and understanding, in a way that is consistent with the:

(a) Fundamental human rights and freedoms in Articles 64 and 65 of the Constitution of the Cook Islands;

(b) Convention on the Rights of the Child;

(c) Convention on the Elimination of All Forms of Discrimination against Women;

(d) Convention on the Rights of Persons with Disabilities.

45. The Cook Islands Curriculum Framework directs that the Cook Islands Curriculum: "... will provide for the educational needs of all students regardless of gender, religion, ethnicity, social and economic backgrounds, location, abilities and

disabilities. It will recognise and provide for the different learning paces and styles, and previous experiences of students".

46. All essential learning area documents (curricula) are expected to provide programmes that cater the needs of all learners and minimise barriers to achievement and encourage students to continue participating in learning across all learning areas. A specific statement on gender inclusiveness is required in all essential Learning Area Statements and in school based subject area schemes.

47. Curricula documents state that stereotyping of content and gender roles are to be avoided. Teachers will avoid dividing classes or in giving tasks to do based on gender. Efforts should be made to recognise that traditionally gender has been used to define roles in the past though this is no longer the accepted norm in Cook Islands society. Teachers need to encourage mixed gender grouping of students for activities. In addition, the Social Science Curriculum strand of social organisation and identity provides learning aims that covers the area of rights, roles and responsibilities to guide classroom content and strategies. The Health and Physical Wellbeing curriculum through the strands of Me (*Ko Au*) and Me with Others (*Ko au tetai ua atu tangata*) also develops skills around identity, sensitivity and respect for others. It specifically mentions the impact of stereotyping and discrimination on the basis of gender.

Concluding comments, paragraph 31 (last part)

48. The monitoring of performance against planning documents and policies is managed through a number of mechanisms such as annual school, curriculum and teacher reviews. Retention rates are also analysed to respond to identified trends. These monitoring functions are carried out systematically by individual school management staff, advisory services and review functions of the MOE.

Cook Islands Tertiary Training Institute

49. In 2013, the Ministry of Education established the Cook Islands Tertiary Training Institute (CITTI), which focuses on the needs of employers and supports training through the use of e-learning to better meet human resource needs. CITTI delivers skills across a wide range of areas customized to meet the needs of individual learners and employers. Three training schools come under the Institute: Cook Islands Trade Training Centre; Hospitality Trade Training Centre; and Nursing. In addition, the University of the South Pacific (USP) and public and private sector employers provide post-secondary education and training opportunities that are internationally benchmarked.

50. In 2014, the CITTI gained registration from the New Zealand Qualifications Authority which means that the Cook Islands can now provide tertiary level NZ qualifications without being so dependent on overseas institutions.

Concluding comments, paragraphs 32 and 33

51. The Employment Relations Act was adopted in 2012. The objectives of the Act include "to promote observance in the Cook Islands of the principles underlying international agreements to which the Cook Islands is a party". In addition, section 58(1) specifies prohibited grounds of discrimination includes gender and sexual preference. Sections 34 and 35 provide for maternity leave and pay provisions extended to all women in the private and public sector. Section 59 also makes provisions for protection from sexual discrimination in employment (Article 11 refers).

52. Guarantees of rights to individual and collective bargaining are set out in Parts II and III of the Employment Relations Act which details the provisions for negotiation of collective and individual employment agreements. In addition, s.20 provides that where an employee is not party to a collective agreement or having an individual employment agreement the employment is deemed to be subject to the minimum terms and conditions set out in the Act.

53. Education for children from the age of three is provided by the MOE through Early Childhood Education (ECE) centres. Children under three years old may also attend so long as they are accompanied by a caregiver. ECE centres are supported through MOE Advisory staff to ensure that they have educational value and develop a range of skills for children. These centres operate within school hours. Working parents generally have childcare arrangements in place to cover the after-school or ECE period.

54. In Rarotonga, childcare is provided through family networks as well as through a number of private childcare centres.

Concluding comments, paragraphs 34 and 35

55. The 2009 report on the implementation of Beijing Platform for Action and outcome of the 23rd Special Session of the General Assembly identified "... there have been improvements in policy and delivery of services including the screening programmes of prostate, cervical and breast cancer which has greatly improved early detection and management."

56. The Ministry of Health Act 2013 confirms amongst other things that the rights of patients and persons using the services of health service providers in the Cook Islands are protected, and to take all such action as is necessary to protect elderly, infirm and vulnerable people under the permanent or temporary care of the Ministry.

57. Measures undertaken to address women's health needs include free access to women's health checks including breast and cervical screenings, pre and antenatal care in Rarotonga and in the outer islands.

58. Collaboration between Government and civil society organisations such as the Cook Islands Family Welfare Association (CIFWA) and the National Youth Council have enabled the offering of a range of youth focused services and programmes that deal with topics related to sexuality and impact on the high incidence of teenage pregnancy (68/100 births) and teenage mothers as high as 59 for 1000 women (2010) and the high prevalence of sexually transmitted infections (STIs) which was 39.8% per female population age 15-19 years (2006).

Concluding comments, paragraph 35

59. The Ministry of Health has made the necessary amendments to the existing consent form for sterilization. Women, including disabled women, electing this procedure do not need the consent of their husbands or partners and in the case of some disabled women, their carers or parents.

Concluding comments, paragraph 37

60. The Government has taken a number of initiatives to address the reasons for out-migration. Such programmes also cover rural women (outer islands). These are broadly divided into: providing micro-credit services; creating opportunities in agriculture and marine resources; enhancing capacity in developing planning; and widening the range of social services.

61. Women have access to credit irrespective of her marital status. For Outer Islands women to access credit facilities the same lending criteria applies.

Concluding comments, paragraphs 38 and 39

62. The Cook Islands has not amended the Marriage Act 1973 which provides that the minimum age of marriage for women is 16 years with parental consent until 18 years of age. Amendments have been drafted to raise the age of marriage for both male and females to 18 years without parental consent.

Concluding comments, paragraphs 40 and 41

63. The Matrimonial Property Act 1991-92 (MPA) has not been amended to address the protection of a woman's marital property in the event of the intestate death of her husband. De facto marriages are not recognised in the MPA but will be recognised in the FLB which provides for divorce, domestic and child support, parenting arrangements, paternity orders, care and protection, preventing the removal of children from the Cook Islands and domestic violence protection. The FLB will repeal the child maintenance provisions in the Cook Islands Act 1915 and will provide for the registration of overseas orders in the Cook Islands and of Cook Islands orders in overseas jurisdictions, so that they may be enforced.

64. Property distribution on the death of a spouse intestate has been identified as a matter requiring further follow up within the CEDAW Legislative Reform Programme. Currently where people die intestate the Administration Act 1969 applies. A review of the MPA and subsequent amendment would ensure the rules of equal sharing apply to the distribution of property on the death of one of the spouses. The amendment would provide the surviving spouse with the choice to apply under the Administration Act or MPA.

65. The current system still does not provide for the equitable division of marital property upon dissolution of de facto marriages. There is no statutory law covering the division of property of de facto marriages. English common law rules relating to constructive trusts apply. The couple's shares are determined by assessing financial and non-financial contributions of each party to the relationship. An amendment to the MPA is required in relation to recognising de facto relationships.

Concluding comments, paragraph 42

66. The Cook Islands has acceded to the Optional Protocol to CEDAW and accepted the amendment to Article 20, paragraph 1, of the Convention concerning the meeting time of the Committee on 27 November 2007. This was one of the first actions taken by the Government following its meeting with the Committee in 2007.

Concluding comments, paragraph 43

67. The Cook Islands submitted its report to the UN Questionnaire on implementation in 2009 and, in October 2014, the Government of the Cook Islands submitted its national review on the implementation of the BDPA (1995) and the Outcomes of the 23rd Special session of the General Assembly (2000), in the context of the 20th Anniversary of the Fourth World Conference on Women and the adoption of the BDPA 2015. Actions under the BDPA are integrated into this periodic report to the CEDAW Committee.

Concluding comments, paragraph 44

68. The Cook Islands reported on the United Nations MDGs with its last report submitted in 2009. Under Goal 3 — Promote Gender Equality and Empower Women, the report summarised that:

> "We are progressing well particularly in relation to education where our girls are achieving better or at equal levels as boys at primary, secondary and tertiary levels. While women at professional levels of employment have superseded men according to the 2006 Census, income differentiation remains an issue. Additionally, the representation of women in parliament can also be improved. The Gender Division of the Ministry of Internal Affairs, the National Council of Women, and other NGOs such as Punanga Tauturu Inc. have a good working relationship to address the issues facing gender equality. It should also be noted that other agencies such as the Ministries of Education, Health, Police, and Crown Law are all contributing to ensuring gender equality".

Concluding comments, paragraph 4

69. The Government of the Cook Islands is yet to consider the ratification to the seven major international human rights instruments recommended by the Committee. Given resource constraints, it is envisaged that this exercise would have progressed by the time the Cook Islands submits it next periodic report to the Committee.

Concluding comments, paragraph 46

70. Since 2007, GADD has worked with NGOs notably CINCW and PTI in disseminating information on CEDAW and the concluding comments of the Committee. An information package on CEDAW was prepared in cooperation with NGOs. Ongoing human rights awareness including gender analysis training was held at the national level and has been extended to all of the outer islands targeting Island Councils, Government officials and community representatives including religious groups, women and youth organisations. Technical and financial assistance from development partners made it possible to extend training and disseminate widely including the outer islands. This includes the Committee's general recommendations, and the Beijing Declaration and Platform for Action in particular to women organisations, outer islands and government agencies promoting women's human right.

Concluding comments, paragraph 47

71. GADD who is responsible for preparing the country report was not able to keep to the due date as specified by the Committee. Due to capacity constraints, the Government agreed to combine the second and third periodic report. Therefore, this Report covers the second and third periodic report from November 2007 to November 2015 to the Committee.

72. This Report has been prepared in consultation with both non-government organisations and government agencies over several years, since 2011. It has been an iterative process with several versions produced and circulated to all relevant agencies and NGOs for comment. Delays in the Report have resulted in a number of consultative meetings being held to update the Report every year since then. The process of developing this report has provided opportunities to further publicise the Convention in the community.

Part 2: Commentary on articles of the Convention

73. This Part supplements and expands on the commentary on the Concluding Comments of the Committee provided under Part 1 of this Report as well as the rest of the provisions of the Convention.

Article 1

74. Although the Constitution has yet to be amended to include a definition of discrimination against women, a limited number of legislation (Disability Act 2008, Public Service Act 2009, Education Act 2012, Health Act 2013) have been enacted to promote provisions that respect human rights.

75. The draft FLB seeks to ensure that all matters related to family relations included in this Bill are consistent with the Cook Islands' commitments to human rights and gender equality, and specifically to:

(a) Enact provisions consistent with CEDAW;

(b) Enact provisions consistent with the United Nations Convention on the Rights of the Child;

(c) Enact provisions consistent with the United Nations Convention on the Rights of Persons with Disabilities.

76. The Public Service Code of Conduct Policy 2009 promotes equal employment opportunities, prohibiting all forms of discrimination (including racial discrimination) in recruitment practices, employment relations and agency opportunities. The Code defines discrimination as the unjust differential treatment of people, based on grounds including gender or sexual preference; and maternity and family status.

Efforts to promote and publicize the Convention

77. There have been a number of activities undertaken to promote and publicize the Convention which includes:

(a) Government's Initial CEDAW Report and the CEDAW Committee's Concluding Comments being available online at the Ministry of Internal Affairs website;

(b) Translation of the Convention into the Cook Islands Maori language and being disseminated to all the Outer Islands through the WDOs on each island;

(c) The Cook Islands 2012 Gender Profile was developed in response to the call by the CEDAW Committee for more disaggregated data;

(d) Increased support by the Cook Islands Government to promote gender equality and the empowerment of women in the Cook Islands against international and regional standards through adoption of the Cook Islands National Policy on Gender Equality and Women's Empowerment and Strategic Plan of Action (2011-2016).

78. The areas for reform identified in the 2008 comprehensive review of Cook Islands legislation and its consistency with CEDAW carried out by the CEDAW Law Reform Programme Committee included — marriage and family life and the safety and security of women and children. To ensure consistency with CEDAW in these areas, the Committee recommended the development of a comprehensive civil

FLB to replace and modernize the disparate pieces of legislation that currently govern family law in the Cook Islands.

79. NGOs have also been very active in promoting gender equality in their areas of expertise. CINCW in providing overall support to women's organizations; PTI in legal literacy and advocacy; Cook Islands Chamber of Commerce in facilitating women's economic empowerment; and the Pan Pacific South East Asia Women's Association (PPSEAWA) in supporting peace and gender outreach.

Future implementation

80. Government will endeavour to progress adoption of legislation that eliminates discrimination against women.

Article 2

Legal measures to eliminate discrimination

81. Industrial relations in the Cook Islands are now governed by the new Employment Relations Act 2012 (ERA), which replaced the Industrial and Labour Ordinance (1964). The ERA is administered by the Labour Division of the Ministry of Internal Affairs. The new legislation was developed with support of the International Labour Organization (ILO) and the active engagement of the Cook Islands Workers Association (CIWA) and the Cook Islands Chamber of Commerce.

82. The ERA covers both public and private sector employees and provides enhanced protection in matters such as freedom of association rights for employees and employers, collective agreements and individual agreements, discrimination, sexual and racial harassment, termination and redundancy and dispute resolution process and government-funded paid maternity leave based on the minimum wage of 6 weeks for women in the private sector. Public sector workers are already covered for maternity leave.

83. The ERA also defines a de facto relationship which for the purposes of the Act, means a man and a woman who are living together as if they were husband and wife. This is the first piece of legislation in the Cook Islands where a de facto relationship has been defined.

84. The ERA also provides for dispute settlement procedures however it does not apply to the public service or to disputes to which the Disability Act 2008 applies.

85. The Cook Islands Disability Act 2008, protects the rights of people with disabilities and prohibits discrimination on the grounds of disability. It also provides the Ombudsman with jurisdiction to investigate complaints of discrimination against people with disabilities.

86. The draft FLB also defines de-facto relationships; and such relationships will be recognised if the Bill is passed, in relation to Domestic and Child Support, Parenting Arrangements, the Care and Protection of Children and Domestic Violence.

Other measures to harmonise national laws and policy with the provisions of the Convention

National mechanism for the advancement of women

National Policy on Gender Equality and Women's Empowerment

87. On 21 June 2011, the Cabinet of Ministers (CM (11) 0236), approved the National Policy on Gender Equality and Women's Empowerment (GEWE), together with the 5-year Strategic Plan of Action 2011-2016.

88. The GEWE is based on a vision "... where women and girls have equal access to and benefits from the development and growth of the country; where women and girls are protected from all forms of discrimination and violence."

89. GADD's priorities and objectives for advancing gender equality in the Cook Islands are set out in the GEWE and its Strategic Plan of Action 2011-2016 that targets six key areas of concern:

(a) Gender-responsive Government Programmes and Policies;

(b) Equitable participation of women and men in decision-making and governance systems;

(c) An enabling environment for the full participation of women in economic development;

(d) Improved capacity of women to contribute to climate change adaptation strategies;

(e) Improved capacity of women to address health issues;

(f) Elimination of violence against women.

90. In 2015, a mid-term review of the GEWE was conducted. It found that over 50 per cent of the activities have been completed. The main area requiring further work was in the development of gender responsive programmes.

91. A National Steering Committee, comprising of Heads of Ministries from all Government Ministries and some agencies including CINCW, has been established to provide advice and monitor progress of implementation of the GEWE. The Group is expected to meet twice a year to consider progress reports of the implementation of the Policy. This Committee is expected to oversee the reporting process to the CEDAW Committee; as well as advocate for resourcing to achieve the targets of the GEWE.

92. In between times, Task Force groups consisting of key stakeholders, who have been assigned to each of the six components of the National Policy are expected to meet on a monthly basis to monitor the achievement of their specific outcomes. Each Task Force had responsibility for developing a 5-year implementation plan; and at the beginning of each year, the Task Force are expected to prepare annual plans and submit the plans to the National Steering Committee for endorsement.

Governments and development partners

93. The Cook Islands is a recipient of the Australian Government's Pacific Women Shaping Pacific Development Initiative supporting the Cook Islands aspirations for gender equality. With this assistance, the Gender Equality and Empowerment Project (Gender Project) began in the Cook Islands on 1 July, 2014. The Gender Project is being implemented by the Ministry of Internal Affairs who signed service agreements with five key service providers valued at $614,000 over three years to support economic empowerment of women and eliminate violence against women.

94. The Gender Project covers the implementation of two components of the GEWE and Strategic Plan of Action (2011-2016):

(a) Component 1: Strengthening capacity for gender responsive development towards an enabling environment for the full participation of women in economic development - to address unequal access to productive and economic resources;

(b) Component 2: Strengthening capacity towards the elimination of violence against women — to address the adoption of legal measures to eliminate violence against women, and to further develop and strengthen services for victims.

95. The Cook Islands Social Impact Fund (SIF) provides combined Cook Islands and New Zealand government support to the Cook Islands civil society sector under a three-year funding agreement. Established in 2012, it provides contestable financial grant funding to non-governmental organisations for the delivery of services in social priority areas identified by Government including disabilities, women and domestic violence, mental health, elderly, children and youth, gender equality. The overall goal of the programme is to improve the wellbeing of vulnerable people through the contribution of civil society organizations. The annual Fund is about $800,000 per year, of which PTI is allocated $150, 000 per year to provide domestic violence counselling for women. Cook Islands Child Welfare Association receives about $60,000 per year for services for children under 5 years old as another key grant to support maternal welfare.

96. In March 2015, the SPC signed with the Ministry of Internal Affairs a Memorandum of Understanding to strengthen the capacity of the Government to mainstream gender. Guidelines to support Heads of Ministries and island Governments in mainstreaming gender through their policies, strategy services and practices will be developed; capacity to produce and use gender statistics will be strengthened and accountability and responsibility mechanisms for gender mainstreaming will be developed. GADD is working with Government Ministries to individually appoint Gender Focal Points before commencing training to educate officials on the mechanics of mainstreaming gender and human rights.[2]

Statistical profile of men and women

97. On 8 March 2015, Government officially launched a publication Gender Profile 2012 on the statistical profile of women in the Cook Islands in commemoration of International Women's Day. The publication, largely based on data collected in the 2011 Census, covers ten thematic areas such as women in households and families, women in work and employment, and women in public life and decision-making. It shows that the gender gap is narrowing, with successes in health, education and employment. Each chapter shows differences in the status of girls and boys, and women and men, so that the findings are easy to interpret, with the use of graphical presentation and non-technical language.

98. The Gender Profile 2012, provides an evidence-base in which the government can use to target its efforts to better meet the specific needs of Cook Islands women and men working alongside development partners and NGOs.

Long-term development objectives

99. The long term objective of the GADD is to ensure that gender equality commitments are systematically integrated within the core of Government's

[2] Strengthening the Capacity of the Cook Islands Government in Mainstreaming Gender: Agreement between the Ministry of Internal Affairs and the Secretariat of the Pacific Community, March 2015.

business rather than remaining on the periphery. This approach is being reflected in a change of mindset in core Government agencies like the Cook Islands National Statistics Office (CISO) who are now including gender indicators in their datasets and will be creating a gender specific webpage on the Ministry of Finance and Economic Management website.

Cook Islands National Statistics Office

100. The CISO, launched in July 2013 a new initiative to develop a National Strategy for the Development of Statistics (NSDS), with the help of the SPC and Partnership in Statistics for Development in the 21st Century (PARIS21). CISO aims to increase statistical literacy by initially upskilling stakeholders. CISO has a draft Statistics Act under development and GADD will endeavour to get some formal recognition of the need to get gender statistics automatically referenced into CISO reports, surveys, and analyses.

101. In light of the CEDAW Committee's "General Recommendation No. 9: Statistical data concerning the situation of women", it is envisaged by the CISO that the NSDS process will provide a means for developing statistical capacity across the country's entire national statistical system. The work of the CISO is being complemented by important developments within the Pacific Islands region and internationally to improve the concepts of and definitions used for data collection and analysis.

102. A Gender Statistician is being recruited early 2016 for a 12-month period to be located in CISO but report jointly to the Chief Statistician and the Director of GADD. The position will be funded from the Gender Project. The Gender Statistician will support the NSDS by centralising the required administrative gender data sets and ensuring they are regularly updated and are of sufficient quality. This will allow GADD to focus on its core work. It is expected that after 12 months, the Gender Statistician position will be no longer required, as the administrative data will be able to be routinely updated with fairly minimal effort by the CISO. It is envisaged that the outcome of this work will result in the GADD being provided with gender-related tables and indicators by CISO at the end of each financial year.

103. The CISO will conduct a Household Income Expenditure Survey (HIES) in 2016. It is envisaged that based on the HIES, CISO can conduct Poverty analysis broken down by gender to see whether women are facing economic hardship. The Cook Islands are also looking to join a proposed trial in the Pacific region that will conduct a time use survey; this work will be co-ordinated by SPC and ESCAP.

104. The majority of Cook Islands Government agencies are able to produce sex-disaggregated statistics on topics such as population, births and deaths, school enrolment, employment, hospital patients and parliamentary representation. Sex-disaggregated statistics are also becoming available in additional areas.[3] Challenges remain however, as collection is not always carried out, there is limited capacity, issues around data entry and database management, the internal demand to disaggregate by sex is insufficient and it is only recently that pressures have come externally to demand this information, and so government agencies have to evolve their systems (usually outdated) internally to cater to this demand.

National Sustainable Development Plan

105. The new 2016-2020 NSDP aims to define the major policy objectives that will progress the Cook Islands development in the future. It will assist in refocusing

[3] Cook Islands 2012 Gender Profile, SPC, January 2015.

reporting on implementation of national goals and is proposing the following indicators to determine whether structural and societal barriers that inhibit gender equality have been addressed:

(a) Participation of women in business and professional occupations;

(b) Participation of women in politics (local and national government);

(c) Incidence of domestic violence.

Non-government organizations

106. Non-government organizations have been at the forefront in promoting gender equality and human rights in the Cook Islands. The CINCW continues to serve as the umbrella organization for thirty-two women NGOs in the Cook Islands.

107. There are also a number of NGOs with particular areas of interest and expertise on issues related to women and girls like PTI, the Business and Professional Women's Association, Cook Islands Chamber of Commerce, Cook Islands National Disability Council (CINDC) and the Cook Islands Women's Breast Cancer Foundation which all continue to exist.

Institutions for protection from discrimination

National human rights mechanism

108. Currently there is no national governance mechanism to implement the human rights conventions that the Cook Islands has ratified, although Government considered various models involving a human rights commission or commissioner. The alternative that was eventually adopted was to make human rights the responsibility of the Office of the Ombudsman.

109. Although not exclusively set up for the protection of women's rights, aside from its legislated core functions, the Office of the Ombudsman is also responsible for the review of immigration decisions, investigation and resolution of public procurement and tax.

Ombudsman's Office

110. The Ombudsman's Office provides an additional avenue of assistance to women. A total of 131 complaints were received between March 2009 and September 2011. Thirty-six per cent (47) were lodged by women.

111. A complaint may have multiple causes or grounds, so although the Office only received forty-seven complaints by women, some of these complaints may have had up to four different grounds that make up one complaint.

Public Service Commission

112. The Public Service Code of Conduct Policy provides guidance on standards of conduct required across the public sector and complements the Public Service Code of Conduct 2009 and the duty to act as a good employer, as legislated in the Public Service Act 2009. This Policy applies to Heads of Public Sector Agencies and employees within the Public Sector. The Code also refers to sexual harassment in the public sector, that incidents must be reported to the head of the ministry. There are no specific definitions or alternative avenues for complaints identified in the Code.

Cook Islands Police Service

113. The Cook Islands along with other Pacific Islands countries are part of the Pacific Prevention of Domestic Violence Programme (PPDVP). This is a joint initiative of the New Zealand Aid Programme, New Zealand Police and the Pacific Islands Chiefs of Police (PICP) organisation. The purpose of the programme is to upskill Police members deliver advice, training and operational support on domestic violence to the police forces and communities across the Pacific.

114. The Cook Islands Police have used the PPDVP to support and mentor its own Domestic Violence Unit. PPDVP travel to the Cook Islands to deliver support twice a year, at the start and end of the year. Local Police have also participated in regional training provided by women's human rights organizations.

115. To deliver the PPDVP programme, the Cook Islands Police are supported by a mentor from the New Zealand Police Force. And in December 2015, a New Zealand Detective was deployed to the Cook Islands to meet with and train the new Domestic Violence coordinator for the Cook Islands Police.

116. The Pacific Islands Chiefs of Police (PICP) Women's Advisory Network (WAN) plays an important role in bringing attention to the challenges experienced by women in policing throughout the Pacific region. The WAN began in 2003, with formal local networks now established in eighteen of its twenty-one member countries including the Cook Islands. More importantly, it provides a forum through which to share knowledge and experiences, helping develop strategies to address these challenges, both regionally and within national jurisdictions. A Cook Islands Policewoman was the chairperson of the Network for 2014-15 period. The female officers in the Cook Islands Police rely on the WAN for professional support.

Future implementation

117. The five-year GEWE and Strategic Plan of Action 2011-2016 will be reviewed in 2017 to monitor the progress against the plan to ensure that it is working and effective.

118. Parliament established a Select Committee (made up of Members of Parliament from both sides of the House) to take submissions from the public on the FLB. Once all submissions are discussed and considered, the Select Committee will make a recommendation to Parliament to determine whether the Bill proceeds to enactment or be further reviewed to take into account any changes as a result of public input.

119. Government will continue to progress the NSDS and to develop and/or increase sex disaggregated data in all areas.

Article 3

Gender and Development Division

120. The function of developing the measures and policies to progressively implement CEDAW currently rests with GADD, a division within the Ministry of Internal Affairs. GADD is responsible for coordinating legislative reform, establishing mechanisms, and mainstreaming the rights of women into sectoral strategies; recommending to Cabinet national strategic action plans and other measures to implement CEDAW; ensuring that state reports for CEDAW are prepared in a timely manner and according to the relevant guidelines; and advocating for sufficient human and financial resources to carry out these functions.

121. GADD funding as a share of national budget provides for the operational costs of a small unit with funding for strategic actions sourced by development partner projects.

Developing closer working relationships between Government and NGOs

122. With funding support from the Australian Government (2013-2016), the Ministry of Internal Affairs signed Memoranda of Understanding with NGOs to deliver activities of the GEWE with a particular focus on creating an enabling environment for the full participation of women in economic development in the Cook Islands:

(a) Cook Islands National Disability Council — received $30,000 to facilitate work placement for women and girls with disabilities. The project start date was 8 June 2015 and the completion date was 30 June 2016;

(b) Cook Islands Chamber of Commerce — received $120,000 to increase the involvement of women in new and existing business; through mentoring support and business and management workshops. The project start date was 8 June 2015 and the completion date was 30 June 2017;

(c) Punanga Tauturu Inc. (PTI) — received $200,000 to provide support for women at risk from domestic violence to access information, advice and legal aid and public servants, NGOs and communities on Rarotonga will participate in training related to the Family Law Bill and gender related Conventions (e.g., CEDAW). The project start date was 8 June 2015 and the completion date was 30 June 2017;

(d) Cook Islands National Council of Women (CINCW) — received $110,000 to implement advocacy programmes on violence against women. The project start date was 11 June 2015 and the completion date was 30 June 2016;

(e) Cook Islands Tertiary Training Institute (CITTI) — received $154,000 to provide women business owners with training opportunities to understand their business and to improve their business knowledge and skills. The project start date was 8 June 2015 and the completion date was 30 June 2016.

Measures to promote the advancement of women

123. The GEWE recognizes that women and men are equal partners in the development of the Cook Islands, and places gender equality at the heart of economic and social progress. It also recognizes that in to redress gender inequalities it is necessary to create the conditions for women's empowerment while women and men work together to address attitudinal and institutional barriers to gender equality.

Women and girls with disabilities

124. Women and girls with disabilities are most vulnerable and face challenges of fighting for rights as women and girls with disabilities. They lack confidence to ask for help, having disabilities is stressful and that makes it too difficult to set up businesses. Women with disabilities have difficulties in finding out how to make use of their talents, skills, experiences and abilities.

National Policy on Disability

125. Although awareness of disability issues has markedly increased and improved in the Cook Islands in the past few years, a lack of understanding, stigma and negative attitudes still prevail especially towards persons with intellectual and

psycho-social disabilities. Prejudice constitutes a barrier to employment and many areas of social participation.

126 A new Policy, the Cook Islands Policy on Disability Inclusive Development 2014 — 2019 has recently been endorsed. The Goal of the Policy is to "improve the quality of life and realize the rights of people with disabilities by empowering them; enabling inclusion and participation in all aspects of life". It has been aligned with the CRPD, the Incheon Strategy and the Pacific Regional Strategy on Disability.

127. The Policy will take a twin-track approach, meaning that some activities aim to include people with disabilities in mainstream services while others, such as rehabilitation, are targeted specifically to the needs of people with disabilities.

128. Priority Area 9 of the Policy is targeted specifically for girls and women with disabilities. The Policy encourages an enabling environment to allow girls and women with disabilities to have equal access to mainstream development opportunities. The Policy requires that GADD and the Ministry of Health work with the Disabled Persons Division in the Ministry of Internal Affairs to advocate for reproductive rights of women with disability. It also will advocate for women with disabilities to become a regular agenda item of discussion at the Cook Islands National Women's Biennial Conference.

Women with disabilities in the Outer Islands

129. People living with disabilities in the Outer Islands, face several challenges. Their remoteness and relative isolation limit their capacity to access public services and employment and to start businesses. Their dependence on the natural environment makes them vulnerable to environmental disasters and the effects of climate change.

130. There are established Disability Centres on some of the Outer Islands which provide disability awareness programmes, art and drama, sports and recreational programmes. The Centres are managed by the local disability committees with financial support from the SIF.

Dissemination of information of people with disabilities

131. During the past decade, the Ministry of Internal Affairs, the CINDC and international development partners have convened several workshops on disability rights and the CRPD in Rarotonga and the Southern Group of islands. Brochures on the Disability Act 2008 and the CRPD have been produced in both English and the Cook Islands Maori language and disseminated widely.

Government assistance to people with disabilities

132. A major identified need is support to families as carers. The Government assistance to care-givers is $165 a month. Persons living with disability are eligible to apply for modifications to their housing to meet their needs. The Government assistance to care-givers (primarily women) plus assistance from the NGO Te Vaerua and community health nurses are all important services that need to be sustained.

Young women

133. The Cook Islands National Youth Policy 2015 — 2020 has re-defined the age range for Cook Islands Youth to 15-24 years of age, previously 15-34 years of age.

134. The Cook Islands National Youth Policy has six priority areas: family relationships; education and economic opportunities; empowering youth through

community, cultural, spiritual and personal development; supporting young people to achieve optimal health; improving wellbeing and welfare and youth risk and resilience.

135. A Youth Monograph, the first for the Cook Islands was launched in February 2015 providing an analysis of the 2011 population and housing census on young people. Some key findings were: there is a decreasing number of young people residing in the Cook Islands, from 6, 200 in 1991 to 4, 100 in 2011; teenage pregnancy is significant in the Cook Islands, with 18 per cent of women age 19 having given birth to at least one child; school attendance rates are close to 100 per cent for both boys and girls up to age 15 but decline rapidly after that, the rate of school attendance declines with age more quickly for boys than girls; over a third of young women are bartenders, waitresses, salespersons, receptionists or information clerks.

Future implementation

136. Partnerships are increasingly important as new players from within and outside of Government become involved in disability at the national level. This requires careful coordination and collaboration in order to maximise benefits and avoid duplication.

137. There is a new emphasis on the importance of data and evidence in disability. A Disability Database has been developed and now captures more accurate data on the situation of women and girls with diverse disabilities and on their socioeconomic status. The National Population Dwelling Census also captures detailed information on disability and functionality. Such data enables policy-making to be based on evidence and enables progress to be measured for women and girls.

138. Government will to maintain a youth policy focus as underpinned in the National Youth Policy to promote initiatives that support young people to become productive members of society.

Article 4

Mainstreaming of gender equality perspective into Government's policies and programs

139. There have been several successful initiatives to address women's issues and reduce gender inequalities in the last few decades in several sectors. However, the gender equality perspective is not systematically integrated in the policies and programmes of the central and local government and through the sectors.

140. The Gender Stocktake of the Government conducted in 2009-2010 reveals that gender issues are rarely discussed as development issues among government agencies and gender equality is not mainstreamed across the sectors. Since the Gender Stocktake, there has been an increase in the number of sectors producing and using sex disaggregated data although few conduct gender analyses for guiding policy making, programs design and service delivery.

141. There is no effective accountability system for mainstreaming gender at the institutional and individual levels. The technical capacity to conduct gender analysis and mainstream gender is generally low in all sectors. The coordination of initiatives for addressing women's human rights is weak and collaboration with the national women machinery is very limited. The financial and human resources for mainstreaming gender are largely insufficient.

142. GADD is firstly working towards increasing capacity for gender mainstreaming of Government policy makers, managers and professionals as well as its own capacity in its role of monitoring and evaluation, coordination and providing technical advice. A cautious approach has been adopted being mindful of lessons learnt when the capacity of Government agencies to mainstream gender and develop gender sensitive policies and analysis was not in place before mainstreaming was introduced.

Positive action for women's access to decision-making

143. There have been a number of activities undertaken to improve the understanding of Parliamentarians and parliamentary staff of gender equality and the tools of gender mainstreaming and women's empowerment; including a couple of regional Pacific Parliamentarian conferences hosted in the Cook Islands. Proposals to reform electoral processes and to introduce temporary special measures, such as reserved seats to increase of number of women elected officials are ongoing. The two main political parties are considering the merits of having a minimum number of women candidates in their respective parties running for General Elections.

144. Numerous initiatives provide capacity building and support for women candidates in both national and island council elections. In 2014, PPSEAWA carried out an advocacy campaign and training workshops, and produced educational pamphlets in both English and Cook Islands Maori languages. The CINCW has a long history of providing individual mentoring for women candidates for national and Outer Island council elections.

145. The difficulties of combining family life, work life and politics remain a severe obstacle to women seeking political office. Among the political challenges that women face, the prevalence of the "masculine model" of political life and lack of party support feature prominently. In particular, the barriers to the political participation of women at the local level may be related to lack of community support, lack of family co-responsibility within households to release women from unpaid household work, little recognition and legitimacy allocated to their contribution within public power spheres, and the lack of economic resources to pursue a candidature.

Regional and international initiatives

146. There are numerous initiatives at the regional and international levels that the Cook Islands Government participates in and reports on, such as Beijing Platform for Action Declaration.

Beijing Declaration and Platform for Action

147. The Cook Islands National Review of the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcomes of the twenty-third special session of the General Assembly (2000) undertaken in 2014, identified the key national priorities in the post-Beijing context for action over the next three to five years as being the development of a comprehensive FLB that will promote human rights.

148. The National Law Reform Review of 2008 was undertaken by the Ministry of Internal Affairs, Crown Law Office, and the Ministry of Justice in partnership with key NGO's. It is envisaged that this will expand and strengthen services and responsibilities in the field of human rights and equality. In this regard, GADD will continue working on promoting gender mainstreaming and encouraging respective stakeholders to implement a gender perspective in policies and programmes through

further training and assistance to policy-makers and other stakeholders to foster mainstreaming of gender equality, apart from gender mainstreaming in the different sectors of society.

149. The Cook Islands have completed reports on the implementation of the Beijing Platform for Action every 5 years (Beijing +5, Beijing +10, Beijing +15 and the Beijing +20, which was due in 2015).

150. The Beijing +20 Report found that despite significant activity since 1995 the following challenges still remain:[4]

(a) Mainstreaming gender equality in Government's policies and programs;

(b) Low participation of women in high level decision making and leadership, particularly at the political level;

(c) Persistence of violence against women.

Small Island Developing States Accelerated Modalities of Action (SAMOA) Pathway

151. The recent commitment by the Cook Islands to the Small Island Developing States Accelerated Modalities of Action (SAMOA) Pathway in September 2014 further reaffirmed the commitment to eliminate all forms of gender-based discrimination, inequality and violence; achieve the full human rights of women; and promote women's economic empowerment and equal participation in leadership and decision making within the SAMOA Pathway.

Future implementation

152. The Cook Islands has been unable to make use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, the economy, politics and employment for a number of reasons. While many politicians acknowledge that quotas compensate for actual barriers that prevent women from their fair share of the political seats, many argue that they contradict the principles of equal opportunity since women are given preference over men. It has also been observed that quotas are hard to apply in "single winner" systems such as in the Cook Islands, where each party nominates a single candidate per district. Furthermore, the re-election of parliament members restricts the rate of member turnover at each election, which makes gender quotas difficult to comply with.

153. In the Cook Islands, discussions have been ongoing with the two main political parties and how to increase women's participation in political life but no resolutions or commitments have been made. There have been some discussions about changing the electoral system from the current "first past the post" model but at this initial stage there is no consensus about reforms to electoral and political processes.

154. Achievement of international commitments must come from national action and GADD through the GEWE will endeavour to get sustained political commitment from all stakeholders particularly the Government Ministries to realize the transformative role women play in society.

155. The SAMOA Pathway needs to be aligned with national policies reinforcing national obligations to regional and international instruments.

[4] National Review, Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcomes of the twenty-third special session of the General Assembly (2000) in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action, Cook Islands Government, November 2014.

Article 5

156. The Cook Islands 2014 National Review of the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcomes of the twenty-third special session of the General Assembly (2000) found that "Traditional gender stereotypes inhibit gender equality and the empowerment of women in all the critical areas of the Beijing Platform for Action".

157. Public governance is one of the areas where inequality between men and women is highly visible. Limited female participation in structures of governance where key policy decisions are made and resource allocations decided often has a negative impact on women's political, economic and social opportunities. Although there are some changes seen in the number of women now achieving executive level positions as noted in table 1 (see annex), it requires sustained efforts.

Gender and the media

158. The media have a role to play in managing stereotypes about women. In the Cook Islands, generally speaking, successive administrations have supported a free media unfettered by intrusive state control and influence. The media industry in the Cook Islands is almost exclusively commercial, with a total absence of Government and church media. The Cook Islands Media Council was first established in the mid-1990s and has a role in moderating content, and it supports a journalism Code of Ethics, which has been evolving over the past 20 years. That Code includes general support for ongoing training, gender sensitivity, and greater State transparency.

159. In the Cook Islands State of Media and Communications Report 2013, Cook Islands journalists interviewed as part of the study expressed a willingness to report on contentious issues including on gender and disability and have been generally sympathetic to publishing information that promotes women's rights. During the last Parliamentary elections 2014, the daily newspaper regularly published several articles on women's leadership for no charge.

Role of women journalists

160. Within the media industry, very few media professionals have tertiary qualifications and women outnumber men. The higher representation of women in the media however, does not mean that gender issues area always addressed. There are no ethical codes or policies in favour of gender equality in media content or the appropriate portrayal of gender in advertising. Broadcast and IT technicians are predominately male.

161. Of the two main media companies, one has four permanent journalists with two men and two women including the editor; while the other company currently has three female students working part-time as young journalists for the newspaper; one female producing advertisements and news when needed, two who produce documentaries and can also report news when needed and one full time female who does news-reporting for the radio; the receptionist is also a female, who also writes the news-scripts.

Human rights education

162. The Cook Islands Government does not have a coordinated media policy. The aim of many Government Ministries is simply to get information out to the public regardless of content, there is no consideration of gender stereotyping in any media content. Government does not mainstream gender issues into media.

163. Attempts to undertake advocacy on gender equality tends to ebb and flow around certain events for example International Women's Day in March or when court cases around domestic violence are made public. There has only been recent public awareness with regards to economic empowerment opportunities for women and girls as a result of development partners' project support.

164. NGOs have been active in promoting women's rights in the media. They have also monitored news articles to ensure that stereotypes are corrected and have publicly requested media outlets to change the way they report.

Future implementation

165. GADD in partnership with NGOs will continue to monitor the implementation of strategies by stakeholders to eliminate stereotypes against women.

166. One of the challenges identified in the area of education and gender is to continue to monitor gender inclusiveness and outcomes through disaggregated data and ensure appropriate programme response.

167. Government will endeavour to look at a new approach to gender and media with a view to strengthening the industry.

Article 6

168. The Crimes Act 1969 as reported in the Initial Report criminalises the act of soliciting and living off sex work, or operating brothels. There has been no change to the legislation.

Future implementation

169. Government is currently reviewing the Crimes Act 1969 with a view to make the necessary amendments to ensure compliance with CEDAW.

Article 7

Legislative and institutional mechanisms

170. There is no legislation as yet to promote and encourage greater participation of women in political and public life.

Women in the elected bodies

171. In 2015, an increasing number of women are involved in political affairs and decision-making, as shown by the steady increase in the number of women candidates in national elections, an increase in the proportion of women parliamentarians, and more women in senior positions in the public service and Crown agencies.

172. The number of women parliamentarians is now at its highest ever, with four women members of parliament elected in 2014. The Speaker of Parliament — was appointed from outside of Parliament, thus bringing the proportion of women in Parliament to five, representing 20% of parliamentarians. The Deputy Speaker, appointed in her first term in Parliament, is also a woman. Six out of the thirteen Government Ministries are presently headed by women. Women are more involved at island government level in the Outer Islands but the rate is still low.

173. Equitable participation of women in decision-making and governance systems is the second priority outcome of the GEWE. This requires encouraging and

building women's leadership in every sector and at every level, supporting the participation of women in local governance institutions, raising awareness about women's competencies and the benefits of being represented equally by women and men in the government, supporting media's role in promotion of an equal representation of women and men in decision making and governance mechanisms, raising awareness of political parties about their role in promoting women participation in politics, and reviewing the Electoral Act 2004 for creating favourable conditions for the representation of women in the parliament.

174. There were a record number of candidates in the 2010 general election but there was low representation of women. Ten women contested in the national election compared with sixty men: 86% of the candidates were men. This means that 38% of men standing were elected compared to 10% of women.

175. The recent 2014 general election also had a low representation of women with seven women contesting in the national election compared to forty-five men. There were four women elected as members of parliament in 2014, three on the opposition side and one in government. The number of candidates decreased in 2014, with commentators attributing this to the snap election held seven months earlier than anticipated, resulting in a much shorter time period for the raft of activities and programmes to support women as candidates as well as the parallel education and information campaigns for women as voters. The data on women and men electoral candidates for the national parliament elections illustrate that the low proportion of women electoral candidates is directly correlated to women's limited representation in their parliaments. In 2014, 13% of the candidates were women and women represent 8% of those elected.

176. The Cook Islands essentially has a two party political system, with the Cook Islands Party and the Democratic Party. If there is to be any increase in the representation of women, this must first be reflected in increased representation of female candidates endorsed by the two main political parties.

177. Discussions have been ongoing with the two main political parties on how to increase women's participation in political life but no formal resolutions or commitments have been made. There have been some discussions about changing the electoral system from the current "first past the post" model but at this initial stage there is no consensus about reforms to electoral and political processes.

Disabled women

178. Sections 60 of the Electoral Act 2004 provides that if any elector is unable to read or write (due to physical handicap or otherwise), and wishes to vote, the Presiding Officer with any scrutineers present will mark the voting paper according to the instruction of the elector with the Presiding Officer signing their own name on the form.

179. Section 61 of the Electoral Act 2004 further provides that for those electors unable to attend polling booths due to old age, illness or disability, they may write to the Returning Officer for a special care elector certificate and arrangements will be made to provide a mobile booth to these individuals.

180. The Cook Islands have noted the Concluding Comments on the Cook Islands Initial Report on the Convention on the Rights of Persons with Disabilities on the Electoral Act provisions as it relates to voting rights of persons with disabilities and will explore ways to ensure that persons with disabilities are assisted to vote in private in polling booths or with a support person of their choice.

Women in Island Administrations

181. Local government in the Cook Islands outside of the main island of Rarotonga consists of island administrations elected by popular vote. Women are under-represented in decision making at the local government level, with gender parity achieved only in the island of Palmerston where six of the elected representatives on the island council were female. In Mitiaro, twelve of the forty-one councillors were female (29%), the highest number of any island. In Mangaia, only four of the forty-eight councillors were female (8%).[5]

182. The Commonwealth Local Governance Fund project established in 2010 managed and implemented by the CINCW in partnership with Government; provided advocacy, mentoring, leadership training workshops and profiling of potential women to participate in island governance elections on each of the islands. The project terminated in 2013.

Women in the judicial bodies

183. Of the seven High Court Judges (all of whom are resident in New Zealand), two are women. There are four Court of Appeal Judges, all are men. Judges are selected by nomination from the Chief Justice to the Attorney-General, who is currently the Prime Minister.

184. The first female Solicitor General was appointed in 2004. The second female Solicitor General (an expatriate) was appointed in 2012-2015 and the current Solicitor General is a woman. The Crown Law Office which the Solicitor General heads, employs four lawyers, all of whom are women, a situation that has been in place since 2012.

185. In the Cook Islands, there are twenty-three women and thirty-four men with current practicing law certificates as at 29 September 2015.

186. The Cook Islands Law Society is established by the Law Practitioners Act 1993-94, and is the body which administers the admission of lawyers to the Cook Island Bar, provides continuing legal education programmes, reports to the Chief Justice on matters related to the admission of lawyers and the discipline of lawyers' subject to complaints from the public. There have been two female Presidents, one in the 1990s and the second for three years from 2012 — 2015.

Women's participation in development of public policies

187. Public policies are developed by individual Government Ministries and depending on the subject, generally involves public consultation. The public are informed to provide comment via newspaper, radio and television advertisements as well as through community consultations. Drafts of policies are usually made available to the public via Ministry websites, village or island consultations, and left at public spaces (libraries, stores, etc.) or upon request.

188. The OPSC whose function amongst other things is to develop and promote personnel policies and standards, including performance management systems for Heads of Departments and the Public Service circulates its draft policies via email throughout the entire public service for comment and feedback with final endorsement by the Cabinet of Ministers.

[5] Cook Islands 2012 Gender Profile, SPC, January 2015.

Future implementation

189. In terms of facilitating women's participation in decision-making, Government will continue to work with NGOs and international development partners to inform the general public on the significant role women play in society.

190. There are no planned changes to those sections in the Electoral Act 2004 relating to people with disabilities as there has been no public pressure or policy reason to amend this process, however, it will be a matter for review.

Article 8

191. Cook Islands women regularly represent the country at the regional level in varying positions ranging from head of delegation to delegate. Representation is not based on gender. They have also successfully been selected to represent the Cook Islands as well as the Pacific region on a number of inter-governmental regional and international committees.

Women in the diplomatic corps

192. In 2011, Government, nominated the first woman to head the Cook Islands High Commission in Wellington, New Zealand, unfortunately, she passed away before taking up the post.

193. Government appointed in 2013 the first woman to head the Ministry of Foreign Affairs and Immigration. Her replacement in 2015 is also another woman.

Cook Islands regional role

194. Currently (2012-), Cook Islands women occupy the following positions: Chairperson of the Pacific Islands Chiefs of Police (PICP) Women's Advisory Network (WAN); representative of the Small Islands States on the Pacific Islands Forum Secretariat's (PIFS) specialist sub-committee on regionalism, an expert panel that makes recommendations on the regional priorities put forward for Pacific Islands Leaders consideration at their annual Forum; the Principal Immigration Officer was elected in 2015 as a member of the Pacific Immigration Directors Conference.

Cook Islands contribution to the promotion of South-South cooperation

195. The Cook Islands has participated in the PIFS's initiatives to foster South-South cooperation in the area of public sector management. Senior level women from the Cook Islands Public Service have taken up short-term postings in other Pacific islands countries to share their public sector expertise as well as guide development in this field. The Director of the Disability Division of Government has also provided technical assistance to the Solomon Islands to help them accede to the CRPD.

The increasing presence of Cook Islands women experts in international forums

196. Cook Islands women are being recognized for their contributions on key development issues at the regional and international level by being selected to represent either the Cook Islands or the region on various international bodies.

The advancement of women: a component of bilateral cooperation

197. A number of international development partners as documented throughout this Report have provided assistance to the Cook Islands Government on various

gender-related projects. Bilateral assistance has provided the impetus to drive change in the gender space.

198. The Development Cooperation Division (DCD) of the Ministry of Finance and Economic is responsible for the management and coordination of development assistance to the country. DCD has developed a new Activity Management System "Te Tarai Vaka" in September 2015, which is designed to streamline and overcome a haphazard approach to project and programme management in a way that is culturally based.

199. The purpose and scope of the Te Tarai Vaka Cross Cutting Issues Policy is to reconfirm the Government's commitment to addressing gender equality and women's empowerment, climate change and disaster risk management and human rights as cross cutting issues. In determining the relevance of the activity to be funded by international development partners, Government agencies seeking funding support are required to demonstrate amongst other things, how gender analysis will be undertaken and integrated in the project design, identify and target opportunities for gender equality and women's political and economic empowerment.

Future implementation

200. Government will continue to provide opportunities for women to participate and represent the country externally.

Article 9

201. There have been no changes since the Initial Report, although the Ministry of Foreign Affairs and Immigration will soon undertake public consultations in 2016 on the development of a new Immigration Policy. The Policy will clarify and confirm future directions for the entry, residence and departure of foreign migrants to the Cook Islands.

Future implementation

202. Changes in this area will be included in the next periodic report.

Article 10

203. The focus for the Ministry of Education (MoE) is the implementation of the Education Master Plan. Approved by Cabinet in 2008, this Plan is supported by a set of strategic policies and a Monitoring and Evaluation framework. The Cook Islands Education Master Plan 2008-23, sets the strategic direction for education, and is aligned to the Cook Islands second National Sustainable Development Plan 2011 — 2015 and regional and international commitments.

Legislative and policy framework

204. The new Education Act 2012 ensures that the education system is equitable, and that children are treated with dignity, respect and understanding, consistent with Article 64 of the Cook Islands Constitution on the fundamental human rights and freedom. It also increased the minimum leaving age from 15 to 16 years. Exemptions can be made for an earlier leaving age if a young person is on a home schooling programme, moving to an apprenticeship or a recognized training programme.

205. The Education Act 2012 requires the Crown to pay the cost of providing instruction, administration and facilities for a person's education at a government school for all Cook Islanders resident in the Cook Islands.

206. There are no upper age limits for primary or secondary schooling. The Act explicitly states that a child is not exempted from schooling on the basis of learning or behavioural difficulties or, in the case of young female students, becoming pregnant.

207. The Equity, Access and Participation Strategic Policy of the Ministry of Education states that "equity, access and participation" means that all Cook Islanders, regardless of ability, gender, wealth, location, language or ethnic origin, will be able to participate in relevant, quality and appropriate learning experiences. It is the responsibility of the MoE to provide such opportunities and mitigate any barriers to accessing them that may exist.

Education

208. Women still dominate traditionally "feminine" fields of study and are under-represented in technical and trade related fields (construction, mechanical, electrical, etc.). The fields in which women have traditionally been dominant — education, health and welfare, humanities and arts, and social science, business and law — are still dominated by women. A different picture emerges when looking at women's participation in the fields of construction and sports. Participation of men in these fields is greater than that of women despite policies in the Cook Islands to encourage girls into technical and science related "non-traditional" areas of study. However, progress has been made in the area of science where women aged 15-25 years studying in the Cook Islands outnumbered men in 2011.

209. The Education Act 2012 specifically states that a student cannot be exempt from compulsory education on the basis of pregnancy. School programmes now provide a level of flexibility to enable the young mother to take time away from school for feeding her baby. There is also the opportunity for the student to attend a reduced number of classes for a period of time before returning as a fulltime student. Counselling services were made available in school to support both the student and her family in decisions around the pregnancy and care-giving. Over time, attitudes within schools (teachers and fellow students) and the community towards young pregnant women at school have changed. Aware of the risk of "glamourizing" pregnancy, school programmes are in place to try and address the issue before it arises.

210. The Health and Wellbeing curriculum expanded the previously traditional health and sex education programmes to a more holistic approach to the student and his/her development. This now includes the emotional and social aspects of relationships and sexual activity and not just the physical/mechanical teachings. The curriculum aims to give students strategies around decision making and dealing with peer pressure as well as the development of relationships and decisions pertaining to sexual activity.

211. In the Education sector, the policy focus is to improve access to quality education to better meet the human resource needs of the economy and the interests of students. The main policies are addressed at ensuring educational opportunities are the same for boys and girls regardless of whether they live on the main island of Rarotonga or a remote northern atoll from early childhood level to senior secondary and Technical and Vocational Education and Training (TVET). Girls are performing better than boys at senior secondary levels but the statistics show that they are not moving into the labour force after completing schooling and more research is required to find out why this is happening in terms of their "work readiness", the

jobs available and the jobs they want to do and if remuneration does not meet expectations. Government and some private sector firms have work placement programmes for senior secondary school students.

Gender and curriculum programmes

212. Careers Education programmes also help to break down barriers around perceptions of certain jobs or professions being male or female. In response to the lower number of girls taking science in secondary schools, the Women in Science and Technology (WISAT) programme creates opportunities for young women at school to spend time with women in science and technology careers e.g., air traffic controllers, microbiologists. Likewise, a programme named Boys Zone was developed for male students involving male journalists, teachers and other social sector based professions.

Teaching and gender

213. The teaching profession in the Cook Islands is predominantly female (table 4). All of the teachers at ECE level are female. At the primary school level, 89% are female and at secondary level this figure is 57% (2014). This ratio continues into school management where 62% of Principals and 80% of Deputy Principals are women.

Outer Islands/Pa Enua

214. For the outer islands, Te Kura Uira (an online school launched in 2014 by the Ministry) supports students who stay on their home island until Year 11 after which they may transfer to Rarotonga to complete further higher level study. These students attend their local island school and are part of the school community but do the majority of their lessons online with Rarotonga based tutors. A facilitator in their own school provides oversight and pastoral care. The Ministry of Education also provides the Pa Enua Assistance Grant that allows students who have completed the highest possible level of education on their home island to transfer to Rarotonga for senior secondary education.

Inclusive Education

215. The Inclusive Education Policy of the MoE was implemented in 2002 and reviewed in 2011. This policy created a shift from "special needs" units to an inclusive approach. This means that children with particular learning and physical needs are, as much as possible, mainstreamed into school classrooms. Support is provided for the teacher and student through the use of Teacher Aides. Teacher Aides may provide one on one support to an individual child or support a small group within a class depending on the level of need. Teacher Aides have received specialist training, many gaining the New Zealand Qualifications Authority (NZQA) recognised Certificate in Teacher Aiding.

School guidance and careers advisory services

216. The MoE employed its first Guidance Facilitator in 2005 and now has three full time positions. Guidance Counsellors provide formal assistance to individuals and their families as well as oversight of whole school guidance systems that support student wellbeing. Guidance systems ensure that students have an environment that is physically, emotionally, socially and culturally safe.

Tertiary education

217. Young Cook Islanders have a number of options for tertiary education. A number of scholarships are also offered each year for university study. Some of these are funded by donors and others by the Cook Islands Government. These scholarships generally provide access to regional institutes such as the USP or Fiji National University, or through to New Zealand institutions. Scholarships are awarded on merit, and as will be noted by table 2 (see annex), more women are being awarded scholarships.

Future implementation

218. In the area of gender, the main challenge identified by the Ministry of Education is to continue to monitor gender inclusiveness and outcomes through disaggregated data and ensure appropriate programme response.

Article 11

219. A new Employment Relations Act was enacted in 2012, the minimum wage was increased in 2015, a statistical labour monograph was completed and the Cook Islands became the 186th member of the International Labour Organization.

220. Ten years of Census data shows that women are increasingly active in the labour force in full-and part-time work. Two different groups of women are emerging (1) well-trained, educated career women who are moving into highly skilled occupations, and (2) the majority of women, who work in relatively low-skilled jobs in the retail and tourism sector. Both groups must juggle work and family responsibilities. Men and women have extended their economic activity over the last 10 years, with fewer women and men retiring before age 65.

Legislative and policy framework

221. The objectives of the Employment Relations Act 2012 are to create a regulatory framework for good employment relations between employers and employees. It also ensures that all employees are employed under at least the minimum terms and conditions; it introduced anti-discrimination provisions on a range of issues including gender; and new maternity protections.

Labour monograph

222. In late 2014, the Ministry of Internal Affairs and the Cook Islands Statistics Office worked with the UNFPA to develop a labour monograph of the Cook Islands. The labour monograph provides in-depth analysis of the characteristics of economic activity and the labour force in the Cook Islands, as captured in the 2011 population and housing Census.[6]

Labour force participation

223. The 2011 population Census estimated the total labour force participation (LFPR) to be 71% (women and men combined). This is quite high. The LFPR for males was 76.6% and for females 65.4%. The ratio of women to men is 0.85.

[6] Cook Islands Labour Market Facts and Statistics, Ministry of Internal Affairs, News release, 2015.

Women part-time workers

224. Women make up just over half, 56%, of part-time workers in the Cook Islands. The Census data from 2001 to 2011 indicates that the number of part time workers is growing for both women and men, although a higher proportion of women work part-time than men.

Wages

225. In 2014, the minimum wage was increased by 20% from $5.00 (set in 2006) to $6.00. This rate was set for all regardless of age, gender, ethnicity, nationality, location, and sector. In 2015, the minimum wage was increased again to $6.25 per hour.

The structure of the labour market

226. In Rarotonga, the vast majority of men and women work (79.5% and 70.5% respectively) and almost all of them are in paid employment (the majority of which is full-time). Labour force participation is lowest in the Southern Group, and there is a more significant gap between men and women (65.7% of men compared to 49.6% of women). In the Northern Group, 80 per cent of men are in the labour force, on par with the rates seen in Rarotonga. Women's participation is also high (60.6%), but it is here that the gender gap is the biggest at almost 20 percentage points, most likely due to their tendency for being the primary carer for children and other responsibilities at home. Also included among those "outside the labour force" are full-time students and the retirees.[7]

227. Around 600 people — 8 per cent of the labour force — hold two jobs. Most of these (80%) are people based in Rarotonga, and the proportion of men and women with two jobs is the same. The main reason men do not participate in the labour force is being retired (47%) or a student (29%). Most women outside the labour force are doing home duties (52%) or are retired (28%).

228. Unemployment is not generally a concern in the Cook Islands, with 8.2 per cent unemployment for men and 8.1 per cent unemployment for women. However, rates of unemployment are highest in the Southern Group with more than 15 per cent of the labour force (around 200 people) being without work. In the Northern Group, overall unemployment rates are the same as the national level, but are much higher among women, at nearly 12 per cent compared to 5.8 per cent for men.[8] Unemployment is also higher among vulnerable groups, such as people with a disability and youth.

Income levels

229. The most common level of income for men and women is $10,000-$14,999 (New Zealand dollars (NZD)). Although there are slightly more men earning a wage than women (2,515 and 2,245, respectively), the distribution of income level is similar, with the majority earning less than $25,000 per year. Average hourly wages are much higher in Rarotonga than the outer islands. Average gross annual income for all residents (as estimated by the 2011 Census) was $16,848 for males and $13,243 for females in 2011, for an overall average of $15,028.[9]

[7] Economic activity and labour force of the Cook Islands: Analysis of the 2011 Population and Housing Census February 2015.

[8] Report on the 2015 Minimum Wage Rate Review for the Cook Islands, March 2015, Ministry of Internal Affairs.

[9] Excluding those who indicated that they earned no income, the average incomes are higher at $19,210 for men and $15,598 for women.

Protection of maternity rights

230. The Employment Relation Act 2012 and its Regulations provides the guarantee of maternity protection for female employees in both the Government and private sector.

231. The Employment Relations Act 2012 guarantees minimum 6-weeks maternity leave entitlement for all women in the Cook Islands. To assist private sector employers in meeting paid maternity leave obligations, the Act also introduced a Government funded paid maternity leave payment for all women employed in the private sector at a rate equivalent to the minimum wage for six weeks, with no minimum employment service before entitlement. To be eligible for the Government funded paid maternity leave, the employee must be: a Cook Islander or hold permanent resident status, or be the spouse or child of a Cook Islander or person who holds permanent resident status. In the case of non-Cook Islanders, the obligation to meet paid maternity leave falls to the employer. The Government provides paid maternity leave on full pay for public servants during the maternity leave period.

232. Many private sector companies have paid maternity leave policies. Private sector employers can pay over and above the minimum maternity leave provided by Government.

233. Paternity leave is a short period of leave taken by a father around the time of the birth of his child. The Employment Relations Act 2012 provides for an employee, other than a casual employee, who is the spouse of a person who gives birth entitlement of two working days paid leave, paid at the employee's ordinary rate of pay, and three working days unpaid leave, in the six weeks following the birth.

Childcare

234. The lack of affordable childcare services is a barrier that employed women experience, the expense of which must be factored into both time management and budgetary considerations. Whilst many women still rely on extended family members to take care of children, all childcare facilities are provided by the private sector. Some Ministries in the public sector allow staff to bring young children to work and/or adopt flexible measures around working hours to allow parents to continue to care for their children whilst working from home.

Future implementation

235. One of the key challenges that will face Government is the increase in the number of migrant workers and the related issues that this poses.

236. Improving the collection of data so that Government can determine unpaid domestic activities of women and their recognition in national statistics is work for the future.

237. Government will continue to monitor the wage gap between men and women.

238. Government is making strides in providing support to women entrepreneurs by developing strong partnerships with NGOs to deliver training programmes, mentoring support and other types of activities.

Article 12

Cook Islands context

239. The Cook Islands National Health Strategy 2012-2016 builds on previous Health Strategies and health policies to direct and guide the advancement of health care services in the Cook Islands. It highlights the priorities of Government for people to fulfil their potential through access to quality and affordable health care.

240. There have been improvements in health indicators particularly those relating to maternal, infant and under 5-years mortality rates. Yet there are serious concerns over the increased prevalence of lifestyle-related non-communicable diseases (NCDs).

241. *Te Marae Ora* (Ministry of Health) recognises that women and men face distinct health risks in their working and living environment and have different health needs. The promotion of gender sensitive research to inform the development, implementation of health strategies, policies and programs relating to CDs and NCDs and their determinants, violence against women and children are important for understanding how women and men differ in relation to the causes, manifestations and consequences of health issues.

242. The range of reproductive health rights and services in the Cook Islands have evolved to a more comprehensive evidence based approach, inclusive of both men and women and includes: obstetrics, family planning, STI/HIV prevention and STI treatment including voluntary confidential counselling and testing services, infertility counselling, breast and cervical screening; and treatment of other gynaecological disorders.

243. To enhance quality of reproductive health services, the Ministry proposes to increase scope of women's health services to include uro-gynaecology, cervical and breast screening; and health professionals have advanced skills in family planning, counselling, child, adolescent, women and men's health.

244. To ensure access to and the utilisation of reproductive health services, the Ministry will increase population knowledge and awareness of reproductive health services; ensure counselling, distribution of information and commodities to encourage informed decision-making and eliminate, stigmatization and discrimination; treatment as required are provided in a timely, appropriate and safe manner; empower women to make informed decisions regarding their reproductive health rights; and promote research and use the evidence gathered to inform practice and improve behaviour change strategies.

245. The National Disability Inclusive Development Policy 2015 proposes to train Sexual and Reproductive Health providers on special needs of people with disabilities and their families.

246. The Adolescent and Sexual Reproductive Health issues facing youth are unplanned teenage pregnancies (average 10-15% are born to mothers < 19 years); increasing cases of STIs (occurring among young people under 24 years) and sexual violence and abuse among adolescents, substance abuse, attempted suicide and suicide cases.

Child and maternal welfare clinics

247. There are fifty-two child maternal welfare clinics on all the islands in the Cook Islands. Public Health Nurses travel around providing support to mothers and their children in the villages. They use these opportunities to update immunization as well as disseminate information on health and maternal care, in particular, family

planning, and promotion of breastfeeding and appropriate infant and family nutrition; Monitoring of child growth and development; Sanitation and hygiene, Health promotion and education and Immunization, deworming.

Health workforce

248. As of September 2012, Cook Islands have approximately 294 medical staff distributed throughout the population. Nurses, are the largest workforce within the Cook Islands.

249. The development of the health workforce has been steady over the past five years, and continuous professional development have been key to address the gaps that impacts on the ability of the health sector to meet the needs of its population.

Family health and safety study

250. The Cook Islands FHSS conducted by the Ministry of Health with the support of the CINCW and UNFPA in the period November 2012 to April 2013 identified that 33% of women have ever experienced physical and or sexual partner violence. They are abused by their partners or husbands and/or people they know.

251. Some of the most relevant findings of the FHSS:

(a) By region, 43.6% of women in the Southern Group, 30.3% in Rarotonga and 23.6% in the Northern Group reported experiencing physical and/or sexual partner violence at some point in their lives;

(b) Nearly half of women (46.7%) who experienced partner violence in their lifetime also reported that they were injured as a result of that violence;

(c) The proportion of women who self-reported ever-attempting suicide was higher among women who experienced partner violence (4%) than among women who never experienced partner violence (2%);

(d) 28% of women have ever experienced physical partner violence. The most common acts of physical violence reported were being "slapped or having something thrown at her" and being "pushed or shoved";

(e) Nearly 39% of women reported ever experiencing physical violence by non-partners since age 15. However, findings suggest that this violence may be related to disciplining children and may not necessarily be based on gender;

(f) Over 7% of women reported ever experiencing sexual abuse by a non-partner since age 15 and 8% reported having experienced sexual abuse before the age of 15;

(g) For both measures of non-partner sexual abuse (i.e. before and after the age of 15), the most common perpetrators were male family members and male friends.

252. A number of recommendations have been proposed by the FHSS and to which the Ministry of Internal Affairs contracted a number of NGOs to promote the elimination of VAW.

253. The Cook Islands Police, supported by development partners, has set up a Domestic Violence Unit in response to the increasing incidence of domestic violence as will be noted in table 3 (see annex). Still in place is a "No Drop Policy", where offenders will still be processed through the court system even if the partner wishes to withdraw the charge.

254. Since the Domestic Violence Unit was established in 2007, police procedures for dealing with domestic violence have been revised in line with external and

internal review recommendations. Training and mentoring for officers dealing with domestic violence incidents has been ongoing and sensitive to victim experiences. The number of complaints reported to the Domestic Violence Unit is increasing as awareness in the community grows that domestic violence is a crime, and although there is still a high level of underreporting and secrecy around the issue more victims are seeking assistance from the Police.

Future implementation

255. There are still many challenges being faced by the Ministry of Health; the relatively small populations, geographically dispersed islands, the isolation and distance between islands making travel and transportation of goods and supplies very costly, existence of some out-dated legislation and the shortage of qualified and competent health professionals. These all provide a challenging environment in which to plan, develop and ensure access to equitable healthcare services.

256. The DLB is expected to provide greater powers to the Police to respond to domestic violence cases through the new Police Safety Orders.

Article 13

257. Government continues to provide social welfare benefits to groups of people in the Cook Islands as noted in Table 4 (see annex). In addition to those benefits, a one-off baby bonus payment of $1,000 is provided to mothers on the birth of a child.

Sports and physical education

258. The Women in Sports Commission (WISC), previously the Women in Sports Association, is active in promoting opportunities for women in sport. They have created partnerships with community groups to implement a number of public campaigns to promote healthy lifestyles for all women, not just for those playing sports. Their campaigns extend to programmes that encourage women to take regular free mammograms and pap smears. Beginning in 2011, the WISC has hosted a monthly event called the "Woman of the Month" where women on Rarotonga are selected on a competitive basis for recognition of outstanding work in the community.

The emergence of female entrepreneurship

259. With the Gender Project funding, research projects were commissioned in 2014-15 to better understand the challenges women face in developing their business aspirations. The research found that many women did not understand the tax requirements, what financial services are available for women in business; and that further training and capacity building was required to encourage women entrepreneurs.

260. A Report on the training and capacity needs of Cook Islands women entrepreneurs "Get the Skills, Gain the Knowledge, Take Control" (January 2015) noted that there was no robust inter-Ministry planning and limited connection of canvassing the training needs of women and collaborating for delivery of training and support specific to industries and professions across the relevant organisations.

261. A number of government and non-government organizations are providing support to facilitate women entrepreneurship:

(a) The Ministry of Agriculture (MoA) and DCD are working together to develop a more inclusive sector plan, where women's needs are canvassed so that

appropriate training is delivered to women employed in the agriculture sector where women make up 50% of the workers in agriculture;

(b) Business Trade and Investment Board (BTIB) offers a wide range services and programmes suited to the needs of small-medium enterprises. They offer business advice and information, training and mentoring and funding assistance, tools and networking with the business community at large;

(c) The CITTI will provide both formal and informal training programmes and certificates which will help women learn more about business and business management. These business courses will be supplemented by a mentoring programme which the Chamber of Commerce will co-ordinate to ensure that women in business who attend the CITTI courses have access to ongoing advice and guidance for their business development;

(d) The National Disability Council will coordinate a programme that offers study, training and support into employment for women and girls with disabilities.

Future implementation needs

262. Cooperatives where groups of women may come together to develop and market a common product or service is an area that needs closer examination for its potential for groups of women and for groups in the Outer Islands.

263. Government will also continue to strengthen collection of data in this area to enable it to provide improved services to women.

Article 14

Cook Islands context

264. Rural areas in the Cook Islands context refers to the Outer Islands of which twelve are inhabited.

265. A new Island Administration Act 2012-13 was introduced to promote good governance by all Island Governments; accountability of Island Governments to their island communities; encourages community participation in the governance of each island through transparency and consultation; and enable Island Governments and their island communities to decide on how best to promote the social, economic, cultural and environmental well-being of the respective islands. It does not address equal representation on the Island Council.

266. Women living in the Outer Islands face several challenges. Their remoteness and relative isolation limit their capacity to access public services and employment, and to create enterprises and access markets for them. Gender roles are stricter and women have less opportunity to participate in decision making and in local governance bodies, so their capacity to influence how resources are used is limited.

267. The 2011 Census household composition shows that almost one-third of households headed by women in the Southern Group of islands comprise the female head of household and extended family members. There were a large number of these households in the Northern Group as well (26%), with an equal number of women living alone as heads of their own households. Throughout the Outer Islands, the most common type of household has a male as the household head, with a spouse and children.

Access to services

268. One of the biggest difficulties in multi-island states like the Cook Islands is to uniformly spread the benefits of development evenly across the country. While service standards are highest on Rarotonga, a good level of development has been achieved in all islands, even the most remote. Government policies have encouraged this, but so too have the Cook Islanders' strong sense of island identity and self-esteem. People living abroad support their island families and communities in many ways, including remittances of cash and willing participation in fund-raising.

269. The Outer Islands provide particular challenges for economic and social development. Issues include poor infrastructure, such as ports, energy, and water management, and poor access to labour. However, there are examples of successful local businesses and initiatives that have benefitted communities, and activities that supply goods and services to Rarotonga, capitalizing on the growing tourism industry.

Women Development Officers

270. Each island outside of Rarotonga has a Women's Development Officer (WDOs) under the authority of their respective island administration. There are nine WDOs — one for each island. Their role is to assist in the implementation of and to support programmes for the advancement women/children and youth in the outer islands including the development and revitalisation of traditional women's handicrafts for income-generating activities.

271. Some of the activities undertaken by the WDOs includes creating consistent supply chains for crafts, pearls and fish resources. WDOs also provide support for youth and sports activities. All these activities are carried out with funding support from GADD on a request basis.

Finance and incentive mechanisms

272. The GADD is carrying out a number of research projects about the many dimensions of women's economic empowerment, including access to credit, and business and financial literacy, with the aim of implementing a policy and projects for enterprise-based economic empowerment, notably for young women in the Outer Islands. There are a number of related initiatives, including project funding for women and youth in the Outer Islands for sustainable livelihoods projects (home gardens) funded by a Climate Change project.

273. The BTIB seeks to create an enabling and coaching environment that will provide genuine help to individuals to navigate the formalities of business. BTIB has actively supported businesses opportunities in the Outer Islands by providing funding support through a Revolving Fund for initiatives solely based in the Outer Islands. Provision of a Gender Website or Cook Island Women in Business website and/or coordination of activities where material and delivery must meet the client's needs and expectations could be an activity that can be provided by BTIB with the support of GADD and the Chamber of Commerce.

274. Young women in the Outer Islands are looking for employment opportunities and economic empowerment and would prefer to stay on outer islands and use local products to produce handicrafts but with the prohibitive costs of shipping, it is very difficult to secure markets.[23]

[23] Stocktake of the gender mainstreaming capacity of Pacific Island Governments — Cook Islands — SPC, 2012.

275. Women who have participated in business training have requested more outreach services from banks and the Ministry of Finance and Economic Management (MFEM) on tax and customs matters.

276. It has been identified by a Report on the Training and Capacity Needs of Cook Islands Women Entrepreneurs (January 2015), that stronger networking is required to look at ways to support women in business and to target the issues faced by women living with disabilities. For women in the Outer Islands, working together through a co-operative scheme, managed under the disabilities framework could benefit these women.

277. The Access to Financial Services for Women in Business in the Cook Islands Report (February 2015), identified that women face a number of the same difficulties as their male counterparts in establishing and maintaining their business. The obstacles to obtaining finance to start-up micro and small businesses are not gender specific that are imposed by the lenders rather they are the result of a lack of investment by Government to promote gender equity policies to encourage the private sector to follow, in particular in the financial institutions; and gender targets for business training, business development and sector development.

Positive action for rural women

278. Government has committed to obtaining 50% of the country's energy needs from renewable sources by 2015 and 100% by 2020. The Northern Group has been completed with all inhabited islands now using solar energy to power their electricity and helping reduce electrical power bills for households.

279. The Government has a scheme to provide subsidized 6, 000 litre water tanks to households, with the costs of water pumps and connections borne by the household. While this may suffice in Rarotonga and the Southern Group islands, in the drier north, larger community tanks or catchment systems are needed during prolonged droughts.

280. Access to communications has greatly improved in the Cook Islands over the past five years, especially, in the Outer Islands. Cellular telephones are replacing landline telephones as the main means of communication in Rarotonga, the Southern and the Northern Group.

Women and the environment

281. The Cook Islands are making moderate progress addressing climate change adaptation, primarily through participation in regional projects. The country may benefit from preparing a national climate change strategy in order to more systematically identify key vulnerabilities and to prioritize adaptation actions going forward. Adaptation activities within the areas of coastal zones, agriculture, water, fisheries, and other priority areas for the Cook Islands could be expanded. Moreover, gender considerations are not part of any current adaptation project or proposed strategy; these could be integrated into current and future proposals as appropriate.

282. The donor funded Strengthening the Resilience of our Islands to Climate Change programme has implemented a number of sustainable livelihood projects for women and youth in the Outer Islands based on the productive sector. While such initiatives take local knowledge and market demand into consideration, the process for appraising and awarding these projects is not transparent, and coordination mechanisms are not established with other central government agencies.

Future implementation

283. The Outer Islands will always pose challenges because of the high costs of providing support, nevertheless, it is this very fact that will ensure that Government continues to include the Outer Islands in consultations that will affect them as well as improve and develop infrastructure to make living in these isolated islands bearable.

284. There needs to be more formal coordination between the WDOs and GADD as this provides an opportunity for WDOs to play an important role in the implementation of the GEWE through each Island's respective development plans, coordinate interventions for addressing gender inequalities issues and women's needs, and support women's empowerment process. They can liaise with the GADD for coordination purposes but also monitor and relay information about the progress and gaps in implementing the GEWE and addressing Outer Islands women's needs and gender inequalities.[11]

Article 15

285. The CEDAW Law Reform Programme began in 2008, and revisions to a number of Acts have been recommended, notably to the Juries Act 1968, Marriage Act 1973 and the Crimes Act 1969.

286. Progress has been slow however, in presenting the amendments to Parliament which includes increasing the age of marriage from 16 to 18 years to ensure compliance with the Convention on the Rights of the Child. An implementation budget is being prepared for the Family Law Bill, which should be tabled in Parliament in 2016.

Future implementation

287. Government will endeavour to get these pieces of legislation enacted before the next reporting period.

Article 16

Cook Islands context

288. In 2011, there were 85 marriages of residents, representing 2% of the population aged 15 and over legally married at the time of the Census. Legal marriage is the predominant form of union: 22% of residents aged 15 and over in a union were living in a de facto relationship or consensual union compared with 78% living as legally married.

289. A Bill is being proposed to amend the Marriage Act 2007 to raise the minimum legal age of marriage from 16 to 18 years old. The proportion of young people aged 15-19 that is married or living in a union is very small, with 5% of females and 4% of males aged 15-19 reporting that they were married in 2011.

290. Women and men do not enter marriage at the same age. The average age at first marriage in the Cook Islands in 2006 (estimated from the Census) is relatively high for the Pacific islands region with males marrying on average at 32, and females at 31; on average, men were one year older when they married than women.

[11] Cook Islands National Policy on Gender Equality and Women's Empowerment and Strategic Plan of Action (2011-2016).

The 2011 revealed similar results, on average, men and women are getting married around the age of 32.

291. The proportion of women aged 60 and over that is widowed is much higher than the proportion of widowed men. The proportion of men and women who are separated or divorced is about the same (2% in 2011). These two categories are of interest because these individuals are "lone" heads of their households, and are responsible for providing for household members, or if elderly, reliant on family members who are living in the household or elsewhere for their care and support.

Equality and partnership within the family

292. De facto relationships are recognized by the Employment Relations Act 2012. It is envisaged de facto relationships will get further legal support from the Family Law Bill once passed by Parliament in relation to Domestic and Child Support, Parenting Arrangements, the Care and Protection of Children and Domestic Violence.

Access to justice

293. In 2015, the Gender Project provided funding support for free civil legal aid to PTI which can be accessed by women to help meet the costs of legal advice, family mediation and representation in a court or tribunal seeking access to courts. PTI is developing the guidelines around access to this Fund.

294. The Ministry of Justice continues to administer the Legal Aid Fund which is for criminal cases only. Government provides $40,000 per annum to this Fund. In 2013, there were five cases funded under this Fund and in 2014 two cases only.

295. Members of the Eliminating Violence Against Women Taskforce team made up of various stakeholders meet regularly at the end of each month to discuss the activities they have designed to help communities to eliminate violence in the home. PTI have developed a legal advisory service for women who do not normally have access to lawyers. PTI also plan to provide violence against women and CEDAW training for public servants. CINCW plan to provide advocacy for women both on Rarotonga and in the outer islands.

Equality in regard to divorce

296. Under the law, a legally married couple is required to go through a two-year separation before filing for divorce through the court. In the Cook Islands, the legal requirements for divorce require fault-based provisions, but there is equal division of property after divorce. The law does not provide for "no fault" divorce, and the fault-based criteria for divorce disadvantages women who are more likely to be in untenable situations and have difficulty establishing cruelty or adultery.

297. The Family Law Bill will modernize and bring together different pieces of legislation that currently govern family law. It will simplify marriage and de facto relationship dissolution and include a number of measures to prevent violence against women and domestic violence.

298. At the time of the 2011 Census, 358 people declared themselves separated or legally divorced, just over 80% of whom lived in the urban area of Rarotonga. Women represented 55% of those who were separated and 54% of those who were divorced, and most lived in the urban area.

Future implementation

299. Government has proposed amendments to the Marriage Act 2007 to raise the minimum legal age of marriage from 16 to 18 years old.

Summary

300. As will be noted that there has been some significant progress in the areas of employment, disabilities, health and education. Data collection is an area that Government is hoping to strengthen with the adoption of the National Strategy for the Development of Statistics. Although Ministries can collect disaggregated data, they face many challenges and it is envisaged that with the capacity building support that will form part of the programme of the NSDS, collecting baseline sex disaggregated data and basic administrative data will enable better measurement indicators in the Cook Islands next CEDAW report. Government acknowledges that more work is needed to progress implementation of the Convention and is committed to address those challenges, in particular legislative changes.

301. The efforts of all stakeholders in particular the Gender and Development Division will require strengthening through the provision of adequate resources to enable it to drive change. NGOs will continue to be supported by Government through financial and technical assistance.